IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 14TH SEPTEMBER 2007 / 23RD BHADRA 1929

WP(C).No. 26283 of 2007(D)

PETITIONER:

R.S.DINESH, AGED 35 YEARS,
S/O.RAMATH SISUPALAN, VALAPPAD BEACH DESOM,
VALAPPAD VILLAGE, CHAVAKKAD.

BY ADV. SRI.RAJIT

RESPONDENT:

REGIONAL PASSPORT OFFICER,
COCHIN.

BY ADV. SRI.P.PARAMESWARAN NAIR,ASST.SOLICITOR
SRI.RANJIT BABU
GOVERNMENT PELADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 14/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 26283 OF 2007
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Dated this the 14th day of September, 2007

J U D G M E N T

The prayer in this writ petition is to direct the 1st respondent to carry out correction of the date of birth of the petitioner without insisting on any order from the Judicial Magistrate of the 1st class, Kodungalloor. The second prayer is to direct Judicial Magistrate of the 1st Class, Kodungalloor, to expeditiously dispose of Ext.P2 application filed by the petitioner for correction. Though these prayers appear to be contradictory, from the pleadings it is disclosed that the petitioner had made Ext.P2 application before the Judicial First Class Magistrate Court, Kodungalloor for correction of his date of birth in the Passport. It appears that the learned Magistrate is awaiting a report from the Regional Passport Officer in this behalf for passing final orders. It is in view of the delay in the matter that this writ

petition has been filed.

2. Learned standing counsel, who has appeared on notice, made available a circular dated 22/12/94 issued by the Ministry of External Affairs following the judgment of this court. In the judgment referred in the circular, this court had held that the petitioner therein may file an affidavit along with relevant documents before the Judicial First Class Magistrate praying for an order to correct the date of birth and that, in such an event, the Magistrate will conduct an enquiry and pass orders. In implementation of the said judgment of this court, circular was issued that in all such cases where an order has been passed by the Court, the Passport Officers will carry out the court order and make necessary corrections. Reference is also made to the Passport Manual, 2001, wherein also the aforesaid direction has been incorporated.

3. In view of this, the right course adopted in a case

for correction of date of birth in a passport is that the Magistrate should decide the application based on the materials produced by the client. For this purpose, no report or other confirmation from the Passport Authority is necessary.

4. Therefore, I dispose of this writ petition directing the Judicial Magistrate of 1st Class, Kodungalloor to pass orders on Ext.P2 application filed by the petitioner, considering the materials that are produced before him and after conducting necessary enquiry. This shall be done as expeditiously as possible.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp